

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

MOHAMED JOHN AKHTAR and LA BUCA  
RESTAURANT, INC. d/b/a SWING 46 JAZZ  
AND SUPPER CLUB,

Plaintiffs

-against-

ERIC M. EISENBERG and JOHN AND JANE  
DOES ONE THROUGH THIRTY,

Defendants

23-CV-6585 (JGLC) (VF)

**ERIC M. EISENBERG’S REPLY IN SUPPORT OF HIS LETTER MOTION (D.I. 150)  
TO, *INTER ALIA*, ADDRESS INACCURACY IN MEMO ENDORSEMENT (D.I. 149)  
STEMMING FROM FALSE OR MISLEADING SUBMISSION BY PLAINTIFFS (D.I.  
143)**

Dear Magistrate Judge Figueredo,

I write, in further support of my letter motion (D.I. 150), and in response to Plaintiffs’ opposition letter (D.I. 151 and/or D.I. 153).

I am concerned by Plaintiffs’ opposition letter for several reasons.

First, it appears to have been filed under plural docket items, (D.I. 151 and D.I. 153) unnecessarily cluttering the docket.

Second, Plaintiffs unnecessarily mischaracterize the 63 page, issue and personal attack-laden, D.I. 126 and D.I. 129 filings, as follows:

To the best of my recollection the documents, identified as “D.I.” 126 and 129, were a response in which I indicated I had no objection to Your Honor’s Report and Recommendation, and/or the Amended Order of 02/06/2025 (D.I. 121). There was no other substantive issue.

If Plaintiffs’ counsel truly believes D.I. 126 and D.I. 129 contain “no other substantive issue,” that indicates Plaintiffs’ counsel has little familiarity with or recollection of his own filings, and distracts from the core issue here of ensuring that these two separate documents are each submitted in a properly redacted form.

Third, Plaintiffs' opposition letter indicates that Plaintiffs' counsel has somehow lost access to at least one of D.I. 126 and 129, and seems to indicate he is not sure of which of these two documents D.I. 143 (which he also submitted) corresponds to. Failure to maintain records or copies of his own filings in any sort of reasonably organized litigation case file tends to further indicate that Plaintiffs' counsel (who has explained his serious physical and/or mental condition) is not capable of diligently or appropriately handling this litigation.

Fourth, Plaintiff's opposition letter conveys confusion as to complying with this court's simple directive of refile redacted versions of D.I. 126 and 129 – with Plaintiff's counsel believing he had done this task when he had not:

I endeavored to comply with Your Honor's directive to redact and refile immediately, which I thought I did. It is not clear to me what else Mr. Eisenberg is looking for? I deny any allegations of intentional misconduct.

Opposition letter, D.I. 151 or 153, at page 1. Plaintiff's counsel's continued expression of confusion as to whether or not he has complied with a simple order to redact and refile two documents, (he has not complied) tends to indicate that his condition is seriously interfering with his representation in the instant matter.

Fifth, the undersigned notes that Plaintiffs' counsel purports to have executed his accompanying affirmation as of the wrong year ("March 20, 2024") (opposition letter, D.I. 151 or 153, page 2). Again, this is yet further evidence that, despite such support staff that Iannarelli claims he retained to review his submissions, he is incapable of submitting accurate and truthful papers.

Again, just and proper relief, for the benefit of the parties, the Court, and the public who has unnecessarily been denied access to litigation pleadings, is respectfully requested.

Dated (and executed in):  
March 20, 2025 (Miami, Florida)

Respectfully submitted,

s/ Eric Eisenberg  
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cc: all parties on ECF